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REMARKS

The Office action dated June 27, 2007 and the cited reference have been carefully considered.

Status of the Claims

Claims 1, 3, 5, 6, and 10-15 are pending. Claims 11 and 12 are canceled. Therefore, claims 1, 3, 5, 6, 10, 13, and 14 are pending following entry of the present amendments.

Claims 11 and 12 are rejected under 35 U.S.C. § 112, first paragraph. These claims are canceled. Therefore, this rejection is now moot.

Claims 1, 3, 5, 6, 13, and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the '730 Patent et al. (U.S. Patent 4,436,730; hereinafter "the '730 Patent").

Claims 10-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the '730 Patent et al. (U.S. Patent 5,401,327; hereinafter "the '327 Patent"). Claims 11 and 12 are canceled. Therefore, the rejection of claims 11 and 12 is now moot. Applicant respectfully traverses this rejection for the reasons set forth below.

Claim Rejection Under 35 U.S.C. § 103(a)

Claims 1, 3, 5, 6, 13, and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the '730 Patent. Applicant respectfully traverses the rejection of these claims because the '730 Patent does not teach or suggest all of the limitations of each of these claims as amended. Moreover, there is no apparent reason to motivate a person having ordinary skill in the art to choose the recited elements and combine them in the fashion recited in these claims.

To establish a *prima facie* case of obviousness, the prior art references (or references when combined) must teach or suggest all the claim limitations. M.P.E.P. §

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2142 (Rev. 5, Aug. 2006). Moreover, even when all the elements are present, an apparent reason to combine the known elements (limitations) in the fashion presently claimed should be made explicit by the fact finder. *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007).

The '730 Patent does not teach or suggest compositions which have quaternized ammonium cationic polysaccharides as the sole preservatives. Instead, the '730 Patent always includes another preservative, such as benzalkonium chloride or thimerosal. See Examples IV-VIII. Although the '730 Patent includes U.C.C. JR polymers in its examples, these polymers are used to provide "a thin polyelectrolyte complex on the lens surface, which complex increases its hydrophilic character for a greater period of time relative to an untreated surface and which reduces the tendency for mucoproteins, a normal constituent of lacrimal tears, to adhere to a lens surface." Column 1, line 66 to column 2, line 6.

Nowhere does the '730 Patent teach or suggest quaternized ammonium cationic polysaccharides be used as the sole preservatives. In fact, by including benzalkonium chloride or thimerosal as preservatives in Examples IV-VIII, the '730 Patent suggests that U.C.C. JR polymers cannot provide a preservative effect. In other words, the '730 Patent does not provide motivation to use cationic polysaccharides as preservatives.

On the contrary, the instant claims recite that quaternized ammonium cationic polysaccharides are the sole preservatives. Applicant surprisingly discovered that these polymers can provide effective preservative effect. See Tables 2 and 4 of the instant specification. Such unexpected results indicate that the instant claims are not obvious over the '730 Patent. *In re Klosak*, 173 U.S.P.Q. 14, 16 (C.C.P.A. 1972) ("The fact that an invention provides results which would not have been expected by those skilled in the art is strong evidence in rebuttal of an assertion that the invention would have been obvious.").

Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the '327 Patent. Applicant respectfully traverses the rejection of these claims because the '327 Patent does not teach or suggest all of the limitations of each of these claims as amended.

The '327 Patent uses cationic cellulosic polymers to complex with the PEO component and the complex adsorbs more strongly on the lens surface. Column 4, lines 46-48. The '327 Patent does not teach or suggest a solution that has quaternized

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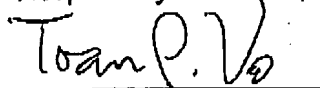
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ammonium polysaccharides as sole preservative, as recited in claim 10. Instead, as preservatives, the '327 Patent lists chlorhexidine, polyhexamethylene biguanide, benzalkonium chloride, and polymeric quaternary ammonium salts (not quaternized ammonium polysaccharides). Column 5, lines 29-44. By teaching the use of cationic cellulosic polymers to anchor PEO more strongly to the lens surface and by using only polyhexamethylene biguanide as the preservative in the examples, the '327 Patent does not provide any motivation for the use of quaternized ammonium polysaccharides as preservative, as recited in instant claim 10.

Moreover, as pointed out above, Applicant discovered unexpectedly the excellent capability of quaternized ammonium polysaccharides. Such unexpected results show that claim 10 is not obvious over the '327 Patent.

In view of the above, it is submitted that the claims are patentable and in condition for allowance. Reconsideration of the rejection is requested. Allowance of the claims at an early date is solicited.

Respectfully submitted,



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